

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

October 28, 2010

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: REQUEST APPROVAL FOR SELECTION OF COMPETITIVE
SEALED PROPOSAL PROCESS AND AUTHORIZE THE
CHAIRPERSON TO AWARD AND EXECUTE A CONTRACT FOR
RETROFITTING BOG FENCES IN THE HONO O NA PALI
NATURAL AREA RESERVE AND THE ALAKAI WILDERNESS
PRESERVE, TMK (4) 1-4-001:003, WAIMEA, KAUAI

This Board Submittal requests approval to issue a Request for Proposals (RFP) under the competitive sealed proposal process, and authorize the Chairperson to award and execute a contract for the retrofit of fences.

BACKGROUND

Eight small fences (each 10 acres or less) were installed over a decade ago in various bogs in the Alakai Plateau to protect these rare ecosystems from feral pigs and goats. Four of these fences require partial replacement and retrofitting to exclude feral deer, which have become more common in the plateau areas. Project funding has been obtained from the Natural Area Reserves Special Fund and discretionary funds from the USFWS cooperative agreement # 122008J020. The retrofit is exempt of the requirements for an environmental assessment pursuant to Hawaii Administrative Rules §11-200-8, Exemption Class 1: repair and maintenance of existing structures. The contract will be awarded based on the best value to the State for fence installation.

DISCUSSION

Based on the requirements and special conditions of this procurement, DOFAW recommends that a competitive sealed proposal process be used for source selection. Such an approach will be the most advantageous procurement process for the solicitation because:

- 1) The primary consideration for the determination of the awards for this Request For Proposals is not price.
- 2) Oral or written discussion may need to be conducted with the Applicants concerning technical and price aspects of their proposals.

- 3) Applicants may need to be afforded the opportunity to revise their proposals, including price.
- 4) Awards may need to be based upon a comparative evaluation as stated in the request for proposal of differing price, quality, services and other contractual factors in order to determine the most advantageous offering to the State.

Pursuant to Hawaii Administrative Rules (HAR) § 3-122-43, a determination by the Department procurement officer must be made for the use of the competitive sealed proposal process over the competitive sealed bidding process when the competitive sealed bidding process is neither practicable nor advantageous to the State. Additionally pursuant to HAR § 3-122-45, a determination must be made by the procurement officer that an evaluation committee, selected in writing by the procurement officer, shall evaluate the competitive sealed proposals. The Division recommends the use of an evaluation committee for the selection of the proposals as an evaluation committee will allow for a subjective choice to the most appropriate proposal for the project area. Further the evaluation committee must consist of at least three government employees with sufficient qualification in the area of the goods or services to be procured; DOFAW recommends the following individuals:

Michael Wysong (Kauai NARS Program Manager)
Christopher Mottley (Kauai NARS Specialist)
Vickie Caraway (State Botanist)

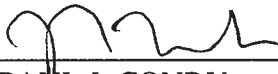
In order to expedite a contract for this procurement, DOFAW requests that the Board delegate authority to the Chairperson to award and execute the contract for goods and services based on the recommendations of the evaluation committee and other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State. Additionally, should any of the committee members above be unable to participate, DOFAW requests that the Board delegate authority to the Chairperson to appoint alternates or recommend that the committee be reduced by one member should the need arise.

RECOMMENDATIONS:

That the Board:


- 1) Approves the use of:
 - a. A competitive sealed proposal for a solicitation for the Alakai Bog Fence Retrofit.
 - b. An evaluation committee comprised of the individuals identified above to serve, evaluate and select the competitive sealed proposals.
- 2) Delegates authority to the Chairperson to:
 - a. Award and execute a contract for goods and services, subject to the availability of funds and review and approval by the Department of the Attorney General.
 - b. Appoint evaluation committee alternates or recommend that the committee be reduced by one member should the need arise.

Respectfully submitted,



for PAUL J. CONRY,
Administrator

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources

